

REMARKS

By this preliminary amendment, claims 1-19 are cancelled and new claims 20-28 are added. Support for the new claims 20-28 is found throughout the specification. For example, limitations of the new claims 20-28 are disclosed *inter alia* in the specification as follows:

Independent claim 20 is supported in the specification at page 1, lines 7-10, page 5, lines 13-17, and 28-34, and page 8, lines 25-28. Further, microparticles comprising therapeutic agent and carrier is disclosed at page 17, lines 1-3 of the specification. Microparticles are generally disclosed at page 15, line 28 to page 17, line 18.

The "water-soluble carrier selected from simple and complex carbohydrates" specified in claim 21 is disclosed at page 17, lines 26-28.

The "water-soluble carrier" as "mannitol" specified in claim 22 is disclosed in Examples 6 (26:23 – 27:14), 9 (29:24 – 30:7) and 15 (34:8-24).

The "water-soluble carrier" as "polysaccharide" specified in claim 23 is disclosed at page 10, lines 9-12 of the specification.

Microparticles comprising at least 50% by weight of water-soluble carrier specified in claim 24 is disclosed at page 16, lines 33-35 of the specification.

Microparticles where the therapeutic agent is a protein, peptide or enzyme specified in claim 25 is disclosed at page 5, lines 23-27 of the specification.

Therapeutic agent as a protein selected from insulin, parathyroid hormone, alpha-1 antitrypsin and calcitonin specified in claim 26 is disclosed at page 17, lines 13-15 (insulin, parathyroid hormone, and calcitonin), and alpha-1 antitrypsin at page 17, lines 7-8 and Example 6 (26:23 – 27:14) of the specification.

Therapeutic protein agent as insulin specified in claim 27 is disclosed at page 17, lines 13-14 of the specification.

A dry powder inhaler comprising microparticles of the invention specified in claim 28 is disclosed at page 6, lines 18-28 and page 7, lines 7-11 of the specification and the Abstract of the application.

No new matter is added by the newly introduced claims. Claims 20-28 are pending examination in this application.

CONCLUSION

If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no.263742002802. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

By 

Shantanu Basu

Registration No.: 43,318

MORRISON & FOERSTER LLP

755 Page Mill Road

Palo Alto, California 94304

(650) 813-5995